

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Sericulture Department –Disciplinary proceedings initiated against Sri S. Venkataramana, Sericulture Officer formerly Inspector of Sericulture, in-charge of F1 Grainage and Govt. Grainage, Palamaner, Chittoor district for misutilization of amounts realized on the sale of CBDFLs – Penalty besides recovery awarded – Acquitted by Hon'ble Judicial Magistrate of 1st Class, Palamaner in Criminal Case – Further action dropped – Orders – Issued.

=====

AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 425

Dated: 01-04-2010
Read the following:-

1. Proccgs.No.5898/1994-B1-A, dt.23-08-2001 of DoS, Hyderabad.]
2. GORt.No.1095, Agri. & Coop.(Vig.II)Dept., dt.18-10-2002.
3. From A.P.A.T. Order dt.31-03-2003 in O.A.No.10182/2002.
4. GORt.No.137, Agri. & Coop.(Vig.II)Dept., dt.12-02-2004.
5. G.O.Ms.No.54, Agri. & Coop.(Vig.II)Dept., dt.17-02-2004.
6. G.O.Ms.No.943, Agri. & Coop.(Vig.II)Dept., dt.14-09-2006.
7. From Judicial Magistrate of 1st Class, Palamaner, Judgment dt.30-07-2009 in C.C.No.191 of 2002 and 192/2002.
8. From Sri S. Venkataramana, Sericulture Officer, Representation dt.05-11-2009.
9. From CoS, Hyd. Lr.No.2194/2003-B1(C), dt.06-01-2010.

--oOo--

ORDER:

During the year 1994, disciplinary proceedings were initiated against the delinquent officer Sri S. Venkataramana, when he was working as Inspector of Sericulture, in-charge of F1 Grainage and Government Grainage, Palamaner, Chittoor District. The allegation is related to certain reported irregularities due to non-remitting of sale proceeds of CBDFLs. He was placed under suspension with effect from 26-04-1994. Nine (9) articles of charges were framed against him and the inquiry officer has proved the eight (8) charges in the regular inquiry. Based on the inquiry report, a punishment of dismissal from service was inflicted besides recovery of an amount of Rs.6,67,130-50 Ps against the above Charged Officer by the Commissioner of Sericulture, Hyderabad vide reference 1st cited.

2. In addition to this, a civil case also filed for recovery of amount from him. A decree for recovery was passed by the Civil Court, Chittoor for recovery of the said amount. Simultaneously, a Criminal case was also registered on 16-08-2001 in Police Station, Palamaner, Chittoor District for the same charge of misappropriation.

3. The Charged Officer Sri S.Venkataramana has filed an appeal before the A.P. Administrative Tribunal vide O.A.No.6038/2001 against his dismissal and also filed an appeal before Government. The A.P. Administrative Tribunal while disposing the petition, directed the Government to pass appropriate orders in the matter. Accordingly Government issued orders in the reference 2nd read above for reinstatement of the delinquent officer and the intervening period between date of dismissal and issue of setting aside the dismissal was not treated as duty. The Charged Officer has again filed another O.A.No.10182/2002 before A.P. Administrative Tribunal which was directed the Government to pass revised orders on par with the similarly situated persons irrespective of the rank. Government have again issued revised orders in the reference 4th read above. It was mentioned therein that the orders were issued pending disciplinary action contemplated against him. The Charged Officer's case was combined with other similarly placed persons and imposed a revised punishment of stoppage of three annual grade increments with cumulative effect against him vide reference 6th read above.

4. Now, the Hon'ble Judicial Magistrate of 1st Class, Palamaner has delivered judgment dated: 30-07-2007 in C.C.No.191/2002 acquitting the Charged Officer on the following grounds:-

- a) The prosecution has failed to prove the guilt of the accused beyond all reasonable doubt and the accused is entitled for an acquittal under benefit of doubt;
- b) In the result, the accused is found not guilty and has thereby been acquitted.

5. Based on the above the Charged Officer has now appealed to the Government that his punishment may be dropped. However, the Commissioner of Sericulture, Hyderabad has again proposed to go for an appeal in the higher court against the above judgment.

(PTO)

6. After going through the (15) years of long episode of the case in hand the factual points are as follows:-

- i. Had the Commissioner of Sericulture imposed a punishment commensurate to the gravity of charges, the case would not have been subjected to many ugly turnings and thereby make the case of Government weak to eventually fall before the Court;
- ii. There is a technical flaw in the G.O.Rt.No.943, Agri. & Co-operation (Vig.II) Department, dated 14-09-2006 imposing the punishment of stoppage of three annual grade increments with cumulative effect against him. The punishment is subject to the decision of the Criminal Case. It therefore gives a scope to the Charged Officer for appeal to drop the punishment. The departmental action is different from a criminal action. The Court decides according to the evidence whereas the departmental proceedings initiated on the basis of preponderance of probability. Therefore the above G.O. has become vulnerable for being challenged in any Court;
- iii. Besides, the Commissioner of Sericulture has initiated departmental proceedings during 1994 and the punishment was already awarded in the year 2001, which was set aside later by the directions of the APAT. The case has come to rest at this stage, but the case of the Delinquent Officer was unnecessarily clubbed with the similarly placed other cases, in which the persons were not imposed punishment earlier;
- iv. If the charged officer has indeed committed grave irregularities, the long ordeal undergone by him along with suffering have also lasted for a longest period of 15 years. Thus, the prolonged torture perhaps has served the purpose of punishing him for the charges held proved in the departmental proceedings.

7. In view of the above, it would be appropriate if the matter is rested here, as the G.O. in question imposing punishment for the 2nd time on the same charges can be challenged again by the Charged Officer in a court of Law on the issue that Government has mentioned that the punishment would be subject to the outcome of the Criminal Case. The major punishment can be converted into an appropriate action by the Government. Now, the accused has been acquitted without being found guilty. In such circumstances, it would be very inappropriate to punish him. Therefore, the overall convenience lies with closing the chapter by giving an appropriate warning to the delinquent.

8. In the entire ultimate analysis, Government have decided to set aside the penalty of stoppage of three annual grade increments with cumulative effect awarded against Sri S. Venkataramana, Sericulture Officer formerly Inspector of Sericulture, in-charge of F1 Grainage and Government Grainage, Palamaner, Chittoor District in the reference 6th read above and drop further action against him. However, Government, hereby issue a warning against him to be more careful in future.

9. Accordingly, Government hereby set aside the penalty of stoppage of stoppage of three annual grade increments with cumulative effect awarded against Sri S. Venkataramana, Sericulture Officer formerly Inspector of Sericulture, in-charge of F1 Grainage and Govt. Grainage, Palamaner, Chittoor District awarded in the reference 6th read above and drop further action against him. However, Government have decided to issue a warning against him to be more careful in future.

10. The Commissioner of Sericulture, A.P., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. GOEL
A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT, ATM

To
Sri S. Venkataramana, formerly Inspector of Sericulture,
in-charge of F1 Grainage and Govt. Grainage, Palamaner, Chittoor District
and Presently Sericulture, Non-Farm Sector, Dharmavaram, Ananthapur District.
(Through: The Commissioner of Sericulture, A.P., Hyderabad)

Copy to:-
The Commissioner of Sericulture, A.P., Hyderabad.
Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER